

REMARKS

By this amendment, claims 1-40 are pending, in which no claims are canceled, withdrawn from consideration, currently amended, or newly presented. No new matter is introduced.

The Office Action mailed July 11, 2007 rejected claims 1-4, 7-9, 12, 13, 17, 20-24, 27, 28, 31, 32, 36, 39, and 40 under 35 U.S.C. § 102 (e) as anticipated by *Albert et al.* (US 6,606,316), claims 5 and 25 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Haas* (US 5,115,432), claims 16, 18, 35, and 37 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Feldman et al.* (US 6,055,561), claims 19 and 38 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Grant et al.* (US 5,027,269), claims 10, 11, 29, and 30 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Gai et al.* (US 6,651,096), and claims 6, 14, 15, 26, 33, and 34 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Gibson et al.* (US 6,680,943).

Independent claim 1 recites, *inter alia*, “**communicating a first subset of the received messages from the programmable access device to the external processor** for service processing in accordance with the configuration; and

routing **a second subset of the received messages not communicated to the external processor from the network access system via a second network interface different from the first network interface to a second network external to the network access system**, wherein the second network is different from the first network.”

Independent claim 21 recites, *inter alia*, “a programmable access device that receives messages from a first network external to the network access system via a first network interface, and that, responsive to the control message, establishes the configuration specified by the control message and **communicates a first subset of the received messages to the external processor**

for service processing in accordance with the configuration, and forwards a second subset of the received messages not communicated to the external processor for routing, via a second network interface different from the first network interface, to a second network external to the network access system, wherein the second network is different from the first network.”

Independent claim 40 recites, *inter alia*, “a programmable access device configured to input messages from the first network via the first network interface; and an external processor configured to receive, from the programmable access device, **a first subset of the input messages and to transmit a control message to the programmable access device specifying a configuration to control the selection of the first subset, wherein the programmable access device forwards a second subset of the input messages not received by the external processor for routing via the second network interface to the second network.**”

Accordingly, each of the pending claims requires at least a first and second subset of received, or input, messages, wherein the first subset is communicated to an external processor from the programmable access device, and wherein the second subset of messages are messages that are **not** communicated to the external processor and the second set of messages is routed, via a second network interface to a second network.

The Examiner equates the forwarding agent of *Albert et al.* to the claimed programmable access device and the service manager of *Albert et al.* to the claimed external processor. Even assuming, *arguendo*, that this is a reasonable correspondence, the Examiner’s application of *Albert et al.* to the claimed subject matter is flawed. This is because, in accordance with claim 1, for example, using the Examiner’s equivalent structure, a control message must be received from the service manager to the forwarding agent in order to establish a configuration of the forwarding agent and the forwarding agent must receive messages from a first network external

to the network access system via a first network interface. While Applicants do not necessarily dispute that this may take place in *Albert et al.* (column 6, lines 44-46, does recite “The service managers send specific instructions to each of the forwarding agents detailing how certain flows of packets are to be processed” and column 6, lines 24-27 does recite that traffic from an external network 210 passes through forwarding agent 231 to a group of servers 220), the Examiner’s analysis breaks down when applied to the remainder of the claim requiring a first and second subset of received messages.

The Examiner refers to column 6, lines 46-50, and column 9, lines 14-20, of *Albert et al.* for a teaching of “communicating a first subset of the received messages from the programmable access device to the external processor...” In the Examiner’s parlance, this would mean that a first subset of received messages from the forwarding agent must be communicated to the service manager. But, the “received messages” must be received by the programmable access device, i.e., the forwarding agent, and while it would appear, from column 6, lines 46-50, of *Albert et al.* that messages are received by the forwarding agent, those messages (viz., specific instructions detailing how certain flows of packets are to be processed) are sent by the service manager (external processor) to the forwarding agent. This means that a first subset of these messages cannot be communicated from the programmable access device (forwarding agent) to the external processor (service manager) for service processing, as claimed. To be sure, in accordance with column 6, lines 46-50, there is packet processing by the forwarding agent, and this may include “sending the packet to a service manager,” but this packet, although sent from a forwarding agent (programmable access device) to the service manager (external processor), is not a “received message,” especially not a message received by the programmable access device (forwarding agent) “from a first network external to the network access system,” as claimed. Thus, in *Albert et al.*, the messages received by forwarding agent 231 from network 210 are not

the same messages communicated from the forwarding agent to the service manager, and any messages communicated to the service manager from the forwarding agent are clearly not a **subset** of the messages received by the forwarding agent 231 from the network 210, as required by the claims.

Moreover, the claims also require a “second subset” of the received messages and this second subset of received messages must be received messages which are not communicated to the external processor (service manager) and they must be routed via a second network interface (this second network interface must be different from the first network interface through which the programmable access device (forwarding agent) receives the messages from the external first network) to a second network external to the network access system and where the first and second external networks are different. The Examiner alleges that this is all taught at column 6, lines 44-48 of *Albert et al.* but there is absolutely no teaching of such a second subset of received messages or of such second subset being routed in the manner claimed.

Accordingly, Applicants respectfully request withdrawal of the anticipation rejection of claims 1-4, 7-9, 12, 13, 17, 20-24, 27, 28, 31, 32, 36, 39, and 40.

Moreover, since none of the secondary applied references to *Haas, Feldman et al.*, *Grant et al.*, *Gai et al.*, or *Gibson et al.* provides for this deficiency of *Albert et al.*, there is also no *prima facie* case of obviousness established and the Examiner is also respectfully requested to withdraw the rejections of claims 5, 6, 10, 11, 14-16, 18, 19, 25, 26, 29, 30, 33-35, 37, and 38 under 35 U.S.C. § 103.


Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any

unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date


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